



# CITY OF MEMPHIS

## COUNCIL AGENDA

January 20, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (Jan. 6, 2004)**

## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 2, Code of Ordinances, City of Memphis, Sections 171 Through 176, relating to the Aging Commission of the Mid-South, concerning the affairs of senior citizens in the City of Memphis and the counties of Fayette, Lauderdale, Shelby and Tipton, up for F I R S T reading. (Held from 1/6)

Marshall

Ordinance No. 5034

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCES - SECOND READING

2. **ORDINANCE** to amend portions of City of Memphis, Code of Ordinances, Chapter 33, Division 2: Sewer Fees and Charges, so as to modify sections to increase sewer fees to ensure stability of the Sewer Fund, up for S E C O N D reading.

Hooks

Ordinance No. 5036

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** to amend Chapter 2, Code of Ordinances, City of Memphis, Tennessee, establishing an employment policy of the City of Memphis pertaining to Interim Appointments of Division Directors, up for S E C O N D reading.

Marshall

Ordinance No. 5038

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCES - FIRST READING (none)

### ZONING ORDINANCE - SECOND READING

4. **ORDINANCE** rezoning the north right-of-way line of McLemore Avenue and proceeding approximately three thousand (3,000) feet or half (0.5) a mile southwardly to the south right-of-way line of South Parkway East, up for S E C O N D reading.

Peete

Ordinance No. 5037

Case No. SNC 03-802

Applicant: John H. Freeman

Request: Change name to "Willie Mitchell Boulevard"

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

5. RESOLUTION accepting ROYAL OAKS P.D., PHASE 3, AREA A and authorizing release of bond.

Case No. PD 00-351cc  
(Contract No. CR-4795)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Egypt Central Road, south of Bolen Huse Road. The standard improvement contract was approved on June 3, 2003. Resolution also authorizes the release of the performance bond in the amount of \$13,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving final plat of WALGREENS HIGHLAND SQUARE P.D.

Case No. PD 03-313

Resolution approves the final plat located on the east side of North Highland Street, north of Summer Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting MORNING WOODS SUBDIVISION, 1ST ADDITION and authorizing release of bond.

Case No. S 99-14cc  
(Contract No. CR-4499)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Morning Woods Drive, between Grove Road and U. S. 64. The standard improvement contract was approved on October 26, 1999. Resolution also authorizes the release of the letter of credit in the amount of \$21,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting WHITTEN DOWNS P.D. and authorizing release of bond.

Case No. PD 00-322cc  
(Contract No. CR-4738)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Whitten Road, south of Macon Road. The standard improvement contract approved on September 3, 2002. Resolution authorizes the release of the performance bond in the amount of \$403,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION accepting FEDEX WALL ENCROACHMENT AT DEMOCRAT AND PLOUGH BOULEVARD and authorizing release of bond.

(Contract No. CR-4779)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Plough Boulevard and the east side of Democrat Road. The standard improvement contract was approved on February 4, 2003. Resolution also authorizes the release of the performance bond in the amount of \$101,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PLANNING & DEVELOPMENT**

10. RESOLUTION accepting \$127,608.48 in funds from the State of Tennessee Department of Labor and Workforce Development to share in resources in providing services under the Workforce Investment Act at the Career Centers.

Sammons

ACTION REQUESTED: Adopt the resolution

**NOTATION FROM OPD**

11. NOTATION from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. SAC 03-616 - Center Street Closure

Located south of Shady Elm Street, containing 6,559 square feet

Applicant: Griffin Park, LLC

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: February 3, 2004**



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125 N. Main Street

Memphis, TN 38103-2017

### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

12. RESOLUTION honoring Charles Hudson for his work with the Mid-South Junior Golf Association.

Brown

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (none)

### FINANCE & ADMINISTRATION

13. RESOLUTION to purchase eighty two computers and printers from Pomeroy IT Solutions in the amount of \$99,635.00 to upgrade City of Memphis Branch Library computers.

Holt

Council did include Branch Library Improvements, CIP Project No. LI005 as part of the Capital Improvement Budget.

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

### DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

14. RESOLUTION amending the FY 2004 Capital Improvement Program Budget by transferring an allocation and appropriating \$250,000.00 funded by Community Development Block Grant funds from Community Investment Initiatives/LOC, CD047 to Lamar Terrace, CD034 for construction purposes. This resolution will also transfer an allocation and appropriation of \$250,000.00 funded by G.O. Bonds General from College Park, CD035 to Community Investment Initiatives/LOC, CD047 to complete construction services.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES (none)

**DIVISION OF PUBLIC WORKS** (none)

**GENERAL ORDINANCE -THIRD AND FINAL READING**

15. **JOINT ORDINANCE** amending the Memphis and Shelby County Office of Code Enforcement Commercial Demolition Program, up for T H I R D and F I N A L reading.  
Peete Ordinance No. 5035

ACTION REQUESTED: Take whatever action Council deems advisable

**ZONING ORDINANCE - THIRD AND FINAL READING**

16. **ORDINANCE** rezoning the west side of Brunswick Road @Davies Plantation Road, containing 2.78 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading. (Held from 1/6)  
Peete Ordinance No. 5031  
Case No. Z 03-124cc

Applicants: Toni Cox & Albert Nicholson  
J.C. Enterprise (Jamie Callahan) - Representative

Request: Residential (R-E) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**16 NOTICES MAILED ON DECEMBER 19, 2003**

**DIVISION OF PLANNING & DEVELOPMENT**

17. **RESOLUTION** approving a special use permit located on the northwest corner of Raines Road and Neely Road, containing 6.41 acres in the Planned Commercial (C-P) District. (Held from 8/19; 9/2;9/16;10/21; 11/4;11/18; 12/2; 1/6)  
Peete Case No. SUP 03-207

Applicant: Cummings Street Baptist Church  
Grant Madsen – Representative

Request: Church Parking Lot

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

18. **RESOLUTION** approving a hotel waiver for Ramada Inn at 6068 Macon Cove.  
Peete

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

19. **RESOLUTION** approving a planned development located on the south side of Macon Road; west of Cordova Station Road, containing 5.73 acres in the Agricultural (AG) District. (Held from 1/6).  
Peete Case No. PD 03-358

Applicant: Gill Enterprises  
Parker, Estes, & Associates, Inc. – Representative

Request: Amend the Outline Plan Conditions to allow a Health Club Facility as a permitted use on Parcel 2

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**55 NOTICES MAILED ON DECEMBER 19, 2003**

20. RESOLUTION approving a planned development located on the north side of Princeton Road; +324 feet west of Princeton Cove, containing 2.1 acres in the Single Family Residential (R-S10) District.

Peete

Case No. PD 03-360

Applicant: Old Manor Homes  
ETI Corporation (Ralph B. Smith) - Representative

Request: A maximum of 9 single family lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**50 NOTICES MAILED ON JANUARY 9, 2004**

21. RESOLUTION approving an appeal located on the southeast corner of Lakeview Road and Craft Road, containing 1.38 acres.

Peete

Case No. S 03-033

Appellant: Kenneth Butts

Request: Four (4) Lot Preliminary Plat

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**51 NOTICES MAILED ON JANUARY 9, 2004**

**ADJOURNMENT**